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19 48 .

File No. Beggars II/48

K

Legal DEPARTMENT

B BRANCH

Subject.—

Rules and notifications under the

Bombay Beggars Act, 1945—

P=17
(E)

Office of the R.L.A.

A revised draft notification is sent herewith.

2. The proposed rule 3A has been suitably amended for making the permit valid in any part of the Province in which the Act is in force. As desired by H.D. a draft certificate to be granted by the supreme head of the holy religious order has been incorporated in the revised draft notification. H.D. should verify whether the draft certificate, which is based on Form A, is suitable from the administrative point of view. Perhaps the provision specifying the period may not be quite suitable to Jain Sadhus who presumably live on alms for the whole of their life.

O.O. Sd/-P.H.Lad
3-2

Remembrancer of Legal Affairs.

U.R. to H.D.No. 1811, dated 4th February 1946.

4/6/46
S.A.K.
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NOTIFICATION.

Home Department.

Bombay Beggars Act 1945.

Bombay Castle. February 1946.

No. 1- The following draft of a notification which it is proposed to issue under section 33 of the Bombay Beggars Act, 1945(Bom. XXIII of 1945), is published as required by sub-section (1) of the said section 33 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the *.....

* To be brought in by H.D

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft on or before the date aforesaid will be considered by Government.-

DRAFT NOTIFICATION

In exercise of the powers conferred by section 33 of the Bombay Beggars Act, 1945(Bom. XXIII of 1945), the Government of Bombay is pleased to amend the Bombay Beggars Rules, 1946, as follows, as namely:-

In the said Rules.-

(1) after rule 3, the following new rule shall be inserted namely:-

"3A. Manner of authorising purpose under section 2(i)(c)(ii) on applications by institutions.- (1) Any institution having as its members, followers of a religion, the tenets of which require a person initiated into its holy religious order to maintain himself or any other person or persons belonging to such order by receiving alms and desiring that the purpose for which alms are received by such person shouldbe authorised under the Act, may make an application to the Provincial Government for being recognised in this behalf.

(2) The provincial Government may, after making such inquiry as it deems fit, recognise such institution in this behalf, subject to such conditions as it may think

it necessary to impose.

(3) An institution recognised under sub-rule (2) shall keep a register of the names of all persons who have been so initiated into such holy religious order and who solicit or receive money, food or gifts for maintaining themselves or any other person or persons belonging to such order and of the following particulars:

(a) the age of the person,

(b) ~~his~~ address,

(c) the name of the supreme head of the holy religious order to which he belongs,

(d) the period, and the manner of collection of money, food or gifts,

(e) the method of its disposal.

(4) The institution shall submit-

(i) in respect of such persons who resids in Greater Bombay, to the Commissioner of Police, Bombay.

(ii) in respect of such persons who reside elsewhere in the Province, to the District Magistrates concerned, a list of such persons together with the particulars specified in sub-rule(3).

(5) Every person whose name is included in the list submitted under sub-rule (4), shall be entitled to solicit or receive money, food or gifts in any area in the Province of Bombay in which the Act is in force, for maintaining himself or any other person or persons belonging to such holy religious order. Such person shall carry with him a certificate granted ~~xxxxx~~ by the supreme head of the holy religious order to which he belongs in Form AA, while soliciting or receiving money, food or gifts, and shall on demand by a police officer, produce it for inspection.2

(2) After Form A, the following new Form shall be inserted, namely:-

FORM AA.

(See Rule 3A)

No.

Certified under sub-rule (5) of rule 3A of the Bombay.

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31-5
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Beggars Rules, 1946 , that (name)----------of (address)----------
----------, whose name is included in the list submitted by
I (name of the institution)---------- to the Commissioner of
District Magistrate
Police, Bombay under sub-rule (4) of the said rule 3A, is
entitled to solicit or receive money, food or gifts in any
area in the Province of Bombay in which the Bombay Beggars
Act, 1945 is in force, for the purpose of maintaining himself
or any other person or persons belonging to the his holy relig-ious
order of ----------, during the period commencing on the ----------
and ending on the ----------, subject to the following
conditions, namely -

(i) This permit shall be carried by the holder when collecting
alms and on demand by any police officer, shall be
produced for inspection.

(ii) This permit shall not be transferable.

(iii) The collection shall be used for the purpose mentioned
above.

(iv) The manner of the collection shallbe asunder:-

(v) This permit shall be liable to cancellation by the
undersigned or his successor for the breach of any of its
conditions.

Place--
Date--

Supreme head of the holy
religious order of

By Order of the Governor of Bombay,

Secretary to Government.

S.A.E.
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Office of the R.L.A.

A revised draft notification is sent herewith.

O.C Sd/-S.S.Palekar.

For Remembrancer of Legal Affairs.

Ref. to H.D.No. 3354, dated the 7th April 1948.

S.A.E.
31-5
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April 1948.

Home Department.

Bombay Beggars Act, 1945.

Bombay Castle. April 1,'48.

No. 4668/3.- The following draft of a notification which it is proposed to issue under section 33 of the Bombay Beggars Act, 1945 (Bom. XXIII of 1945), is published as required by sub-section (2) of the said section 33 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the .....1948.

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft on or before the date after said will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section 33 of the Bombay Beggars Act, 1945 (Bom.XXIII of 1945), the Government of Bombay is pleased to amend the Bombay Beggars Rules, 1946, as follows, namely:-

Rule 21 of the said Rules shall be renumbered as sub-rule (1) of that rule and after sub-rule (1) so renumbered the following new sub-rule shall be inserted, namely:-

"(2)The Superintendent shall give timely intimation of the probable date of an inmate's release from the Institution to his relative and invite the relative to come to the Institution on that date and take charge of the inmate. If the relative takes charge of the inmate accordingly actual expenses of the journey undertaken

by the relative both ways and of the inmate's return journey shall be paid by the Superintendent to the relative at the time of the inmate's release. If the relative does not come to take charge of the inmate, the inmate shall be taken to his native place by a guard from the Institution."

By order of the Governor of Bombay.

Secretary to Government.

S.A.K.
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NOTIFICATION.

Home Department.
Bombay Castle, 1948.

Bombay Beggars Act, 1945.

No. 4668/5. The following draft of a notification which it is proposed to issue under section 33 of the Bombay Beggars Act, 1945(Bom. XXIII of 1945) as re-enacted by the Bombay Beggars (Repeal and Re-enactment) Act, 1947(Bom L-III of 1947) . is published as required by sub-section (1) of the said section 33 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the 1948.

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft on or before the the date aforesaid will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 33 of the Bombay Beggars Act, 1945 (Bom. XXIII of 1945), as re-enacted by the Bombay Beggars (Repeal and Re-enactment) Act, 1947(Bom. III of 1947), the Government of Bombay is pleased to amend the Bombay Beggars Rules, 1946, as follows namely:-

"No persons authorised for the purposes of section 4.

Any officer of a Certified Institution not below the grade of nominated by the Chief Inspector in this behalf, shall be a person authorised for the purposes of section 4".

By order of the Governor of Bombay,

Secretary to Government.

R.A.K.
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Office of the R.L.A.

The H.D. draft is open to the objection that it delegates the power of the Provincial Government to the Chief Inspector. Section 4 of the Bombay Sugars Act, 1945, in my opinion, contemplates that the persons to be authorised should be specified in the rules, either by name or by designation. The matter cannot be left to be determined by the Chief Inspector. Authorised in accordance with rules does not mean authorised by an officer mentioned in the rules. On principle also, it is undesirable to delegate to another officer the power of authorising persons to arrest without warrant. The H.D. may forward a fresh draft notification for scrutiny specifying the persons to be authorised, either by name or by designation.

Sd/- P.H.Lad
3-5-

O.C. Superintendent of Legal Affairs.

U.D. to H.D.No. 4306 dated the 4th May 1948.

S.A.K.
31-5
4 copies

Office of the R.L.A.

In place of the S.D. draft notification at p. 9 ante, a revised draft notification is sent herewith.

2. The expression "officer-in-charge" as defined in rule 2(A) of the Bombay Reformatory Rules, 1936, and as used in section 10(2) of the act means an officer in charge of a Receiving Centre. That expression as used in the R.L.A. draft notification is presumably intended to cover any person in charge of a Certified Institution, whether called the Superintendent or by any other designation. But under section 11(2) every such Institution must be in charge of a Superintendent. It is therefore necessary to refer to such person in every case as the Superintendent. The revised draft notification accordingly refers to the Superintendent only.

C.S. sd/- P.M.Lad
14-5

Remembrancer of Legal Affairs.

U.O. to H.D.No. 4709 , dated the 17th May 1948.

S.A.K.
31-5
4 copies

NOTIFICATION.
Home Department.

Bombay Castle, 1948.

No. 4668/5. The following draft of a notification which it is proposed to issue under section 33 of the Bombay Beggars Act, 1945(Bom. XXIII of 1945), as reenacted by the Bombay Beggars (Repeal and Re-enactment) Act, 1947 (Bom. LIII of 1947), is published as required by sub-section (1) of the said section 33 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the 1948.

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft on or before the date aforesaid will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 33 of the Bombay Beggars Act, 1945(Bom. XXIII of 1945) as re-enacted by the Bombay Beggars (Repeal and Re-enactment) Act, 1947 (Bom. LIII of 1947), the Government of Bombay is pleased to amend the Bombay Beggars Rules, 1946, as follows, namely:-

After rule 3 of the said rules, the following new rule shall be inserted, namely:-

"3A. Persons authorised for the purposes of section 4. Every Superintendent shall be a person authorised for the purposes of section 4."

By order of the Governor of Bombay,

Secretary to Government.

S.A.E.
32-6
4 copies

Legal Department.

A revised draft notification is sent herewith.

O.O. Sd/- J.K.Dhruvadhar.

11-6

Additional Secretary to Government.

U.O. to N.D.No. 5474, dated the 11th June 1948.

D.A.K.
11-5
4 copies

NOTIFICATION.

Home Department.

Bombay Castle, 1948

No. 4274/5. The following draft of a notification which it is proposed to issue under section 33 of the Bombay Beggars Act, 1945(Bom. XXIII of 1945), as re-enacted by the Bombay Beggars (Repeal and Re-enactment) Act, 1947(Bom. LIII of 1947), is published as required by sub-section (1) of the said section 33 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the ..9.....

* to be filled in by H.P.

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft on or before the date aforesaid will be considered by Government:-

Draft Notification.

In exercise of the powers conferred by section 33 of the Bombay Beggars Act, 1945 (Bom. XXIII of 1945), as re-enacted by the Bombay Beggars (Repeal and Re-enactment) Act, 1947 (Bom. LIII of 1947), the Government of Bombay is pleased to amend the Bombay Beggars Rules, 1946, as follows, namely:-

After rule 3 of the said rules, the following new rule shall be inserted, namely:-

3(A). Manner of authorising persons under section 2(10)(a)(ii) on applications by institutions:- (1) Any institution, having as its members, followers of a religion, the tenets of which require a person initiated into its holy religious order to maintain himself or any other person or persons belonging to such order by receiving alms and desiring that the persons for which alms are received by such person should be authorized under the Act, may make an application to the Provincial Government for being recognized in this behalf.

S.A.K.
31-5
4 copies

(2) The Provincial Government may, after making such inquiry as it deems fit, recognise such institution in this behalf, subject to such conditions as it may think it necessary to impose.

(3) An institution recognised under sub-rule (2) shall keep a register of the names of all persons who have been so initiated into such holy religious order and who solicit or receive food or gifts for maintaining themselves or any other person or persons belonging to such order and of the following particulars:-

(a) the age of the person.

(b) his address before such initiation.

(c) the name of the supreme head of the holy religious order to which he belongs.

(4) The institution shall submit--

(i) in respect of such persons who reside in Greater Bombay, to the Commissioner of Police, Bombay.

(ii) in respect of such persons who reside elsewhere in the Province, to the District Magistrate concerned.

a list of such persons together with the particulars specified in sub-rule (3).

(5) Every person whose name is included in the list submitted under sub-rule (4) shall be entitled to solicit or receive food or gifts in any area in the Province of Bombay in which the Act is in force, for maintaining himself or any other person or persons belonging to such holy religious order. Such person shall carry with him an identity card in the following form granted by the supreme head of the holy religious order to which he belongs

Identity Card.

(Not transferable).

The bearer.....

son/daughter/wife of/.....

born on or about.....formerly resi-

dent of .....initiated in the

holy religious order of.....on.....

is a Sadhu/Sadhvi of the .....Religion,

and rigidly follows its tenets, rules and conventions, which

require him/her to maintain himself/herself and other person

or persons belonging to the said holy religious order by

soliciting or receiving food and other necessities of life.

Place.....

Date.....

Signature of the
Supreme head of the reli-gious
order of .....

By order of the Governor of Bombay,

Secretary to Government.

S.A.K.
31-5
4 copies

Home Department,

Bombay Castle, 1946.

Bombay Beggars Act, 1945

No. 4668/5. The following draft of a notification which it is proposed to issue under section 33 of the Bombay Beggars Act, 1945 (Bom. XXIII of 1945), as re-enacted by the Bombay Beggars (Repeal and Re-enactment) Act, 1947 (Bom. LIII of 1947), is published as required by sub-section (1) of the said section 33 for the information of all persons likely to be effected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the • 1946.

To be filled in by H.D.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft on or before the date aforesaid will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 33 of the Bombay Beggars Act, 1945 (Bom. XXIII of 1945), as re-enacted by the Bombay Beggars (Repeal and Re-enactment) Act, 1947 (Bom. LIII of 1947), the Government of Bombay is pleased to amend the Bombay Beggars Rules, 1946, as follows, namely:-

In the said rules:-

(i) in clause (e) of rule 10, for the portion beginning with "if the officer-in-charge" and ending with "shall be destroyed" the following shall be substituted, namely:-

"the clothing, bedding or other articles of such person shall be destroyed if the officer-in-charge or the superintendent, as the case may be, considers it essential on hygienic grounds or considers them to be worthless, or if the clothings and bedding is ragged";

(ii) for sub-rule (2) of rule 12, the following shall be substituted, namely:-

S.A.K.

"(2) (a) on an order of detention being made by a Court in respect of any person, the officer-in-charge or the superintendent, as the case may be, shall order such persons money and valuables and his clothing, bedding and other articles if any his clothing stored under clause (d) of rule 10 together with the sale proceeds realised under clause (b) of rule 10 to be kept in safe custody and handed over to him at the time of his release.

(b) Any property, valuables or money belonging to such person, may with his consent and with the approval of the superintend-ent, be deliv-ered to his friends or relatives at any time during the period of his detention; or the same may be sold and the sale-proceeds disposed of in such manner as the person may desire.

(c) When such person is transferred from one Certified Institution to another, all his property, valuables and money in the custody of the superintendent shall be sent along with him to the superintendent of the Certified Institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.

(d) At the time of the release of such person, the property, valuables or money kept in safe custody shall be handed over to him and an entry made in that behalf in the register maintained under rule 9. Such entry shall be signed by the superintendent." ,

By order of the Governor of Bombay.

Secretary to Government.

S.A.W.
31-5
4 copies

Legal Department.

A revised draft notification is sent herewith.

U.O. Sd/-J.R.Thurandhar

16-11

Additional Secretary to Government.

U.H. to H.D.No. 10303, dated the 17th November 1948.

M.A.M.
31-5
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